

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

---

CITIZENS CARING FOR THE FUTURE,  
NEW MEXICO INTERFAITH POWER  
AND LIGHT, CENTER FOR  
BIOLOGICAL DIVERSITY, and  
WILDEARTH GUARDIANS,

Plaintiffs,

v.

Case No. 2:23-cv-00060-MLG-KRS

DOUGLAS BURGUM, in his official capacity as  
United States Secretary of the Interior, and  
UNITED STATES BUREAU OF LAND  
MANAGEMENT,

Defendants,

and

INDEPENDENT PETROLEUM  
ASSOCIATION OF NEW MEXICO,

Intervenor-Defendant.

**ORDER ON STIPULATED MOTION TO DISMISS**

In their Stipulated Motion to Dismiss Applications for Permits to Drill from Complaint (“Motion”), the parties request the Court dismiss six Applications for Permits to Drill (“Applications”) from Plaintiffs’ administrative appeal. Doc. 63 at 1. The parties invoke Federal Rule of Civil Procedure 41(a)(1)(A)(ii), which permits dismissal of actions pursuant to the parties’ stipulation. Doc. 63 at 3. This is not the technically applicable procedure because the parties do not seek to dismiss any claims against a named defendant. *See Klay v. United Healthgroup, Inc.*, 376 F.3d 1092, 1106 (11th Cir. 2004) (“Put simply, Rule 41 allows a plaintiff to dismiss all of his claims against a particular defendant; its text does not permit plaintiffs to pick and choose,

dismissing only particular claims within an action.”). Rather, “A plaintiff wishing to eliminate particular claims or issues from the action should amend the complaint under [Federal Rule of Civil Procedure] 15(a) rather than dismiss under Rule 41(a).” *Id.* (citing 8 *Moore’s Federal Practice* § 41.21[2]).

This procedural technicality, however, is immaterial. The Court takes the parties’ stipulated request to mean they agree the subject Applications should not be reviewed in this case. Accordingly, the Court grants the Motion. Doc. 63. The following Applications will be excluded from further consideration and shall not be affected by the Court’s ultimate disposition: (1) Thunderball 23 Fed 1BS Com 1 H, (2) Thunderball 23 Fed 1 BS Com 2H, (3) Thunderball 23 Fed 3BS Com 3 H, (4) Thunderball 23 Fed 3BS Com 4H, (5) Thunderball 23 Fed WCA Com 5H, and (6) Thunderball 23 Fed WCA Com 7H.

It is so ordered.

  
UNITED STATES DISTRICT JUDGE  
MATTHEW L. GARCIA